

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
BRIAN BATHURST
CARR & FERRELL, L.L.P.
2200 GENG ROAD
PALO ALTO, CA 94303

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference RIN-001PCT <i>3445PCT</i>	Date of mailing (day/month/year) 01 AUG 2008
International application No. PCT/US04/23102	International filing date (day/month/year) 02 July 2004 (02.07.2004)
Applicant SONOS, INC.	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Andrew Caldwell Telephone No. 571-272-2100
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference RIN-001PCT	FOR FURTHER ACTION <div style="display: flex; justify-content: space-between; font-size: small;"> see Form PCT/ISA/220 as well as, where applicable, item 5 below. </div>	
International application No. PCT/US04/23102	International filing date (<i>day/month/year</i>) 02 July 2004 (02.07.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 28 July 2003 (28.07.2003)
Applicant SONOS, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 1 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of:

☒

the international application in the language in which it was filed.

☐

a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 Rule 43.6 *bis(a)*

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☒ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

☐

the text is approved as submitted by the applicant.

☒

the text has been established by this Authority to read as follows:

Inter-client synchrony management using differential clock adjustments

5. With regard to the **abstract**,

☐

the text is approved as submitted by the applicant.

☒

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒

as suggested by the applicant.

☐

as selected by this Authority, because the applicant failed to suggest a figure.

☐

as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/23102

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of any additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-64 and 109-172

- Remark on Protest**
- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
 - ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
 - ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/23102

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

A system for maintaining synchronous operation execution among a plurality of devices that have independent clocking arrangements. The system includes a task distribution device (11) that distributes tasks to synchrony group members (15) over a network (12). Each task (51) is associated with a time stamp (60) that indicates a time, relative to a clock (43) maintained by the task distribution device (11), at which the synchrony group members (15) are to execute the task. Synchrony group members (15) periodically obtain current time indications from the task distribution device's clock (43), determine a time differential between the task distribution device's clock (43) and its respective clock, and then use the differential and time stamp to determine an execution time of the task based on its respective clock.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/23102

A. CLASSIFICATION OF SUBJECT MATTER

IPC: G06F 15/16(2006.01)

USPC: 709/205,208,209

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 709/205,208,209

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	JO et al. 'Synchronized One-to-Many Media Streaming with Adaptive Playout Control.' In: Proceedings of SPIE, Vol. 4861. Edited by Tescher et al. SPIE, December 2002 (12.2002), pp. 71-82. abstract, sections 1-5, all subsections, all figures.	1-64, 109-172
Y	MILLS, David L. 'Network Time Protocol Specification, Implementation and Analysis.' Request for Comments: 1305. Network Working Group, March 1992 (03.2003). pgs ii-iii; pp 5, paragraph 2; pp 14-15, section 3.2.5; pp 24-27, section 3.4.4;	1-64, 109-172
Y	US 2003/0099212 A1 (ANJUM et al) 29 May 2003 (29.05.2003) abstract, [0003]-[0010], [0025]-[0036], All Figures	5-25, 33, 37-45, 50-64, 113-133, 141, 145-153, 158-172



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:		"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A"	document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E"	earlier application or patent published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O"	document referring to an oral disclosure, use, exhibition or other means		
"P"	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

09 June 2008 (09.06.2008)

Date of mailing of the international search report

01 AUG 2008

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Authorized officer

Andrew Caldwell

Telephone No. 571-272-2100

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/23102

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2001/0032188 A1 (MIYABE et al) 18 October 2001 (18.10.2001) abstract, [0120]-[0134]	21-25, 41-45, 60-64, 129-133, 149-153, 168-172
Y	US 7,312,785 B2 (TSUK et al) 25 December 2007 (25.12.2007) abstract; col 3, lines 35-54; col 13, lines 32-47; col 15, line 63 - col 16, line 12; Figure 7B	6-8, 37-40, 50-59, 114-116, 145-149, 158-167
Y	US 2004/0203378 A1 (POWERS) 14 October 2004 (14.10.2004) abstract	19, 127
A	ISHIBASHI et al. 'A Group Synchronization Mechanism for Live Media in Multicast Communications.' In: IEEE GLOBECOM. November 1997 (11.1997). pp 746-752.	1-64, 109-172
A	HUANG et al. 'A Synchronization Infrastructure for Multicast Multimedia at the Presentation Layer.' In: IEEE Transactions on Consumer Electronics, Vol. 43, No. 3. August 1997 (08.1997). pp 370-380.	1-64, 109-172

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/23102

BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-64 and 109-172, drawn to a system and method with task source and playback devices.

Group II, claim(s) 65-91, 173-200, and 218-245, drawn to a system, method, and program for a task playback device.

Group III, claim(s) 92-108, 201-217, and 246-262, drawn to a system, method, and program for a task source device.

Group IV, claim(s) 263-266, drawn to a system with task source, playback, and control devices.

Group V, claim(s) 267-335, 382-448, drawn to a system and method for task source and playback devices, specific to audio task characteristics.

Group VI, claim(s) 336-364, 449-478, 499-548, drawn to a system, method, and program for task playback devices, specific to audio task characteristics.

Group VII, claim(s) 365-381, 479-498, 529-548, drawn to a system, method, and program for task source devices, specific to audio task characteristics.

The inventions listed as Groups II-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group II: Though this group contains equivalent independent claims, the technical features of these independent claims are known in the art (See Jo and Mills), thus there is lack of unity *a posteriori*, as the dependent claims of this group recite technical features unique to task playback device operation.

Group III: Though this group contains equivalent independent claims, the technical features of these independent claims are known in the art (See Jo and Mills), thus there is lack of unity *a posteriori*, as the dependent claims of this group recite technical features unique to task source device operation.

Group IV: This group contains a special technical feature (control devices) that is different than group I and thus there is a lack of unity *a priori*.

Group V: Though this group contains analogous independent claims, the technical features of these independent claims are known in the art (See Jo and Mills), thus there is lack of unity *a posteriori*, as the dependent claims of this group recite technical features unique to audio task characteristics.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/23102

Group VI: Though this group contains analogous independent claims, the technical features of these independent claims are known in the art (See Jo and Mills), thus there is lack of unity *a posteriori*, as the dependent claims of this group recite technical features unique to audio task playback device operation.

Group VII: Though this group contains analogous independent claims, the technical features of these independent claims are known in the art (See Jo and Mills), thus there is lack of unity *a posteriori*, as the dependent claims of this group recite technical features unique to audio task source device operation.

Continuation of B. FIELDS SEARCHED Item 3:

US-PAT, US-PGPUB, EPO, JPO, DERWENT, IBM TDB, INTERNET NPL

ntp, inter-client synchronization, adaptive playback, mpeg2, presentation time stamp, bluetooth migration, bluetooth master slave, ipod scroll wheel

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
BRIAN BATHURST
CARR & FERRELL, L.L.P.
2200 GENG ROAD
PALO ALTO, CA 94303

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference RIN-001PCT		Date of mailing (day/month/year) 01 AUG 2008 FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US04/23102	International filing date (day/month/year) 02 July 2004 (02.07.2004)	Priority date (day/month/year) 28 July 2003 (28.07.2003)
International Patent Classification (IPC) or both national classification and IPC IPC: G06F 15/16(2006.01) USPC: 709/205,208,209		
Applicant SONOS, INC.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 09 July 2008 (09.07.2008)	Authorized officer Andrew Caldwell Telephone No. 571-272-2100
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Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/23102

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/23102

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
- ☐ paid additional fees
 - ☐ paid additional fees under protest and, where applicable, the protest fee
 - ☐ paid additional fees under protest but the applicable protest fee was not paid
 - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
See the lack of unity section of the International Search Report (Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-64 and 109-172

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/23102

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-64, 109-172</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-64, 109-172</u>	NO
Industrial applicability (IA)	Claims <u>1-64, 109-172</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-64 and 109-172 have novelty under PCT Article 33(2).

Claims 1-4, 26-32, 34-36, 46-49, and the corresponding claims found in 109-172 lack an inventive step under PCT Article 33(3) as being obvious over Jo et al. in view of Mills.

Claims 5, 9-18, 20, 33, and the corresponding claims found in 109-172 lack an inventive step under PCT Article 33(3) as being obvious over Jo et al. in view of Mills and Anjum.

Claims 6-8 and the corresponding claims found in 109-172 lack an inventive step under PCT Article 33(3) as being obvious over Jo et al. in view of Mills, Anjum, and Tsuk.

Claim 19 and the corresponding claim found in 109-172 lack an inventive step under PCT Article 33(3) as being obvious over Jo et al. in view of Mills, Anjum, and Powers.

Claims 21-25, and the corresponding claims found in 109-172 lack an inventive step under PCT Article 33(3) as being obvious over Jo et al. in view of Mills, Anjum, and Miyabe.

Claims 37-40, 50-59, and the corresponding claims found in 109-172 lack an inventive step under PCT Article 33(3) as being obvious over Jo et al. in view of Mills and Tsuk.

Claims 41-45, 60-64, and the corresponding claims found in 109-172 lack an inventive step under PCT Article 33(3) as being obvious over Jo et al. in view of Mills and Miyabe.

Claims 1-64 and 109-172 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

CHAPTER I
PCT TELEPHONE MEMORANDUM
FOR
LACK OF UNITY OF INVENTION



PCT No.: PCT/US04/23102

Examiner: JEFFREY NICKERSON

Attorney spoken to: Brian Bathurst (51442)

Date of call: 09 July 2008

☐ Amount of payment approved:

☐ Deposit account number to be charged:

☐ Attorney elected to pay for ALL additional inventions

☐ Attorney elected to pay only for the additional inventions covered by

☐ Group(s):

-- encompassing --

☐ Claim(s):

☒ Attorney elected NOT to pay for any additional inventions, therefore, only the first claimed invention (Group I) covered by Claim(s) 1-64 and 109-172 has been searched.

☒ Attorney was orally advised that there is no right to protest for any group not paid for.

☒ Attorney was orally advised that any protest must be filed no later than 1 month from the mailing of the Search Report (PCT/ISA/210).

Time Limit For Filing A Protest

Applicant is hereby given 1 month from the mailing date of this Search Report in which to file a protest of the holding of lack of unity of invention. In accordance with PCT Rule 40.2, applicant may protest the holding of lack of unity only with respect to the group(s) paid for.

Detailed Reasons For Holding Lack of Unity of Invention:

See mailed PCT/ISA/206 or PCT/ISA/210.

Note: A copy of this form must be attached to the Search Report.

CHAPTER I
PCT TELEPHONE MEMORANDUM
FOR
LACK OF UNITY OF INVENTION



PCT No.: PCT/US04/23102

Examiner: JEFFREY NICKERSON

Attorney spoken to: Brian Bathurst (51442)

Date of call: 09 July 2008

☐ Amount of payment approved:

☐ Deposit account number to be charged:

☐ Attorney elected to pay for ALL additional inventions

☐ Attorney elected to pay only for the additional inventions covered by

☐ Group(s):

-- encompassing --

☐ Claim(s):

☒ Attorney elected NOT to pay for any additional inventions, therefore, only the first claimed invention (Group I) covered by Claim(s) 1-64 and 109-172 has been searched.

☒ Attorney was orally advised that there is no right to protest for any group not paid for.

☒ Attorney was orally advised that any protest must be filed no later than 1 month from the mailing of the Search Report (PCT/ISA/210).

Time Limit For Filing A Protest

Applicant is hereby given 1 month from the mailing date of this Search Report in which to file a protest of the holding of lack of unity of invention. In accordance with PCT Rule 40.2, applicant may protest the holding of lack of unity only with respect to the group(s) paid for.

Detailed Reasons For Holding Lack of Unity of Invention:

See mailed PCT/ISA/206 or PCT/ISA/210.

Note: A copy of this form must be attached to the Search Report.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.